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Farewell to Henry Waxman, a Liberal Hero

by Jonathan Cohn | January 31, 2014

One of America's most accomplished lawmakers—a crusader responsible for cleaner air, safer food, and healthier kids—is calling it a career.

On Thursday, Congressman Henry Waxman announced that he would retire at the end of this term, 40 years after he first came to Congress. He is not the best known of politicians, at least outside of political circles. He never ran for president and he's not a fixture on television. But probably no living member of Congress has accomplished as much as he has. I'm not sure many dead ones did, either.

For most lawmakers, a congressional legacy consists of a few minor achievements—or, maybe, one major piece of legislation. Waxman's legacy is whole swaths of the modern welfare and regulatory state. The list of laws for which he deserves substantial credit is simply staggering—not only for its length, but also for its breadth. Waxman was behind the 1990 Clean Air Act Amendments, the Safe Drinking Water Act Amendments, plus laws regulating lead, greenhouse gas emissions, and formaldehyde. That arguably makes him his generation's most influential lawmaker on environmental issues. He was also behind a series of Medicaid expansions, the Ryan White Care Act, the Orphan Drug Act, the Waxman-Hatch Generic Drug Act, and, of course, the Affordable Care Act. That almost certainly makes him the most influential living lawmaker on health care issues. Other major accomplishments include the Food Quality Protection Act and the Family Smoking Prevention and Tobacco Control Act—and, somewhere along the way, he found time to modernize the postal service. What makes Waxman's record particularly remarkable is how much of it he compiled when his party didn't control the White House. "Note, for example, that the Medicaid expansions that got all pregnant women and all children covered occurred during the Reagan Administration," says Timothy Westmoreland, a longtime advisor on health care issues. "Note also the development of his close working relationship with C. Everett Koop, who arrived in Washington as an anti-abortion activist."

How has Waxman done it? For one thing, Waxman recognizes that lawmaking requires patience and persistence—that you have to build the case for legislation, through investigations and stagecraft, even if that takes years or even decades. Journalist Joshua Green, who collaborated with Waxman on a book, notes that Waxman first held hearings on tobacco in the 1970s. Waxman's most famous moment—televised testimony from tobacco company executives, in which they swore nicotine was not addictive—took place in the 1990s. But it wasn't until 2009 that Waxman finally got legislation through Congress, so that he could watch President Obama sign it.

Waxman also understands the power of information. He recruits the smartest, most similarly dedicated advisers he can find—and makes sure he always knows his subject better than his adversaries. Once in negotiations, Waxman's basic strategy is to overwhelm and exhaust his partners. "He and his staff were always the smartest and most prepared, but his most effective tool was to wear people down with negotiations over countless provisions and never-ending questions about policy flaws of his opponents -- whether they were Republican or Democratic," one former Democratic staffer told me. "Beside besting Republicans, I saw him repeatedly outlast Democrats -- whether it be

the House Ways and Means Committee (who always fought over jurisdiction) or the Democrats in Finance Committee at the end of virtually every budget agreement conference. I saw this countless times in the 1980's and 1990s, in particular." Waxman has been particularly adept at securing seemingly small victories (such as incremental expansions of Medicaid) that turn out to have large implications over time—a fact that has frequently frustrated conservatives who are eager for the government to spend less money. Tom Scully, a health care adviser in the George W. Bush administration, once told The Washington Times that "Fifty-percent of the social safety net was created by Henry Waxman when no one was looking."

In a town full of people with muddled ideals and purpose, it helps that Waxman has such a clear, deeply held sense of what he thinks the world should look like. He was born near the end of the Great Depression and grew up in South Central Los Angeles, in an apartment over his father's grocery store. Partly from his parents, he developed a firm belief that the purpose of government was to help the people who needed it. Waxman knew that made him a liberal. He wore the label proudly.

That hasn't always made Waxman popular. His Democratic colleague George Miller, another accomplished liberal about to retire from the House, once quipped that he thought Waxman's first name was "sonuvabitch, because everyone ... kept asking, 'Do you know what that sonuvabitch Waxman wants now?' " And Waxman inspires no great affection among Republicans—the way, say, Ted Kennedy did in his later years. As the *Washington Post*'s Karen Tumulty reported on Thursday, news of Waxman's impending retirement provoked spontaneous applause at a House Republican retreat on the Maryland shore. One reason, undoubtedly, was their still-fresh memories of what Waxman had done to them during the recent administration of George W. Bush. David Corn, then with the *Nation*, famously described Waxman as the "Eliot Ness of the Democrats" for the high-profile, damaging investigations he launched of Halliburton, intelligence before the Iraq War, and the politicization of science—just to name a few.

But unlike, say, Darrel Issa, Waxman isn't a bomb-thrower. On the contrary, he's an unusually shrewd politician always thinking about how politics can lead to policy. He has used his enormous fundraising base, from his wealthy West Los Angeles district, to secure loyalty from fellow Democrats. And while he has never walked away from a fight, he has never walked away from a negotiation—although he grasps that some concessions matter more than others. Another former staffer reminded me of one emblematic episode in the late 1990s, when the Republican Congress became nervous its lack of legislative achievements would look bad to the voters. Waxman saw an opportunity to pass legislation, starting with a long-languishing pesticides bill, although it would mean giving the Republicans a talking point—a chance to show they really could govern. Waxman took the deal, the adviser says, "because Henry always knew that a policy win mattered more than a political loss."

Waxman's list of unfinished business is also long, starting with a cap-and-trade scheme like the one he and his key ally, House Democratic Leader Nancy Pelosi, passed in 2009. It failed to win Senate approval and now, with Republicans controlling the House, it's not even on the agenda. That's unlikely to change anytime soon, given the Republican grip on the House, and perhaps that's one reason Waxman has decided to retire—although both he and his advisers swear it's because he's 74 and the time has simply come.

But what Waxman hasn't accomplished pales in comparison to what he has, particularly when it comes to helping the most vulnerable members of our society. To get a sense of Waxman's impact, I asked Bob Greenstein, the widely respected president of the Center on Budget and Policy Priorites. Here's what he told me, in full:

Pretty much every observer I know feels similarly. And it's a reminder that Waxman's true legacy isn't the laws that he has passed. It's the millions and millions of lives that he has made better.